

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-4, drawn to a precipitated silica.

Group II: Claims 5-13, drawn to a process for preparing precipitated silica.

The Examiner is also requiring an election of species according to the following listing

- A. The same concentration of acidifier added in steps b and d.
A different concentration of acidifier added in steps b and d.
- B. The same rate of addition of acidifier added in steps b and d.
A different rate of addition of acidifier added in steps b and d.
- C. The same concentration of water added in steps b and d.
A different concentration of water added in steps b and d.
- D. The same rate of addition of water added in steps b and d.
A different rate of addition of water added in steps b and d.
- E. Granulated precipitated silica.
Ungranulated precipitated silica.

Species A to D correspond to Claims 7-9 while species E corresponds to Claim 13.

Applicants provisionally elect Group I, Claims 1-4, drawn to a precipitated silica, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the two groups.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Finally, Applicants respectfully submit that an election of species is not necessary because the Group I claims were elected over the claims of Group II (which include Claims 7-9 and 13).

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

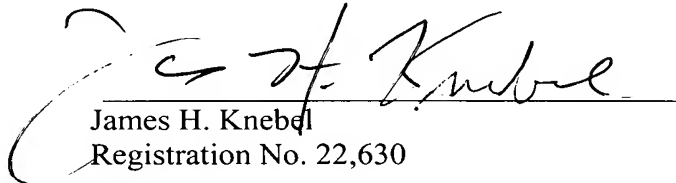
Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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